

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Expanding the Economic and Innovation)	
Opportunities of Spectrum Through)	GN Docket No. 12-268
Incentive Auctions)	
)	
Incentive Auction Task Force and Media)	MB Docket No. 16-306
Bureau Seek Comment On Post-Incentive)	
Auction Translition Scheduling Plan)	

**COMMENTS OF THE
LPTV SPECTRUM RIGHTS COALITION**

OCTOBER 31, 2016

COMMENTS

I. THE USE OF TEMPORARY CHANNELS BY A PRIMARY STATION SHOULD NOT EXCLUDE THOSE CHANNELS FROM THE AVAILABLE POOL OF CHANNELS LPTV AND TV TRANSLATORS CAN APPLY FOR IN THE FIRST DISPLACEMENT WINDOW

If the FCC decides that the use of temporary channels is warranted, those temporary channels should not be excluded from the channels which LPTV and translators can apply for in the first displacement window. If a new construction permit is issued for a temporary channel currently in use by a moving primary, then that construction permit should have its' normal 36 month period extended by the length of time it takes the primary to stop using the temporary channel.

II. THE WAIVER OF THE FCC'S RULES TO MITIGATE THE CONSEQUENCES OF THE REPACK TO PRIMARY STATIONS SHOULD BE EXTENDED TO LPTV AND TV TRANSLATORS AS ALLOWABLE BY THE STATUTE

If the FCC decides to waive any of its' normal rules to mitigate the consequences of the repacking process on the primary stations, then it should also consider waivers of the rules to make sure the viewers of LPTV and TV translator stations are disrupted as little as possible. The viewers of LPTV and TV translators are NOT second-class viewers!

III. DISPLACED LPTV AND TV TRANSLATORS SHOULD BE ALLOWED TO BUILD THEIR NEW FACILITIES AS SOON AS THEIR PERMIT IS ISSUED, AND NOT HAVE TO WAIT UNTIL THE REPACKING PHASE OF THEIR DMA OCCURS

The 10-phases of the repack last over three plus years, which can create problem for LPTV and TV translators. If you have a new construction permit issued to you in Phase 1 when the LPTV displacement window occurs, you have your 36 months to build, but you want to jump on the ATSC 3.0 bandwagon and build as soon as possible. However, you are located in phase 10 area, and the channel you have been given in the displacement window can not work until all of the primaries move around in phase 10. You could lose almost all of the 3 years waiting for the primary on your channel to clear, or for when you will not provide

interference yourself since the primaries have not yet moved. How does the FCC balance the spectrum rights of the new LPTV CP holder, vs the waiting around to move primary? Of course LPTV and translators will have to wait, but what can be done about this potential loss of time?

IV. BOTH THE “PHASE ASSIGNMENT TOOL” AND “PHASE SCHEDULING TOOL” SHOULD BE USED BY THE FCC TO CONSIDER THE IMPACTS ON LPTV AND TV TRANSLATORS WITHIN THOSE PHASES

After the FCC use both of these new tools, it should leverage that investment in technical planning to develop additional capacity to assist LPTV and TV translators with the tool. While most LPTV will be able to easily develop their own schedules, the TV translators will need a lot more assistance, especially those which are civic/gov't/ed, indie, and non-profit, as well as the primary owned and operated facilities.

V. THE AUCTION LEGISLATION ALLOWS FOR AN AUCTION ELIGIBLE STATION WHICH IS DISPLACED TO FORGO DISPLACEMENT RELOCATION FUNDING IN LIEU OF APPLYING FOR FLEXIBLE USE STATUS. WHEN WILL THIS BE ALLOWED TO HAPPEN?

It is important for the FCC to decide the exact process and timeline for when eligible entities which have been displaced, do not take relocation funding, and want to apply for flexible uses. They need to know when can apply, how long it will take, and will they need to wait until the entire 10 phases are complete before starting their new service.

Respectfully submitted,

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